HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 23109 OF 2006

DATED: 10.11.2006

Between:

P. Shiva Nagender

… Petitioner

and

The Commissioner,
Endowments Department and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.23109 OF 2006

ORAL ORDER:

The writ petition is filed on an apprehension that even before finalization of and passing orders in proceedings initiated against the petitioner under Section 83 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'), the 3rd respondent would evict the petitioner otherwise than in accordance with the due process of law. Admittedly, proceedings against the petitioner are initiated to treat him as an encroacher and to evict him from the premises belonging to the 4th respondent-Devasthanam.

Admittedly, no orders have been passed determining the status of the petitioner as an encroacher or directing his eviction. While so, the petitioner apprehends that the 3rd respondent would evict him unlawfully. The learned Government Pleader for Endowments, on instructions, states that no such steps to forcibly evict the petitioner otherwise than in accordance with law, are proposed by the 3rd respondent or the 4th respondent.

In the light of this submission made by the learned Government

Pleader for Endowments, on instructions from the 3rd respondent, the petitioner's apprehensions appear to have no basis.

The writ petition is dismissed as infructuous recording the submission made on behalf of the 3rd respondent. There shall be no order as to costs.

GODA RAGHURAM, J

Date: 10.11.2006
CVM